

Mr. Walker moved to refer the bill to the committee on Privileges and Elections; lost.

Mr. Cooke moved to amend by striking out "Limestone" from the 6th Senatorial District, and inserting it in the 14th District; rejected.

The yeas and nays were then called on passing the bill to its third reading, and were as follows:

Yeas: Messrs. Brashear, Burleson, Davis, Gage, Grimes, Hart, Kinney, McRae, Moffett, Pease, Phillips, Portis, Truit and Van Derlip—14.

Nays: Messrs. Cooke, Latimer, Parker, Robertson, Ward, Walker and Wallace—7.

On motion of Mr. Davis, the Senate adjourned.

WEDNESDAY, 9 o'clock A. M., January 2, 1850.

The Senate was called to order by the President. Senators, present:—Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

Prayer by the Chaplain. The journals of yesterday were read and adopted.

Mr. Robertson presented the petition of Daniel Munroe; on motion of Mr. Robertson, referred to the committee on Public Lands, without reading.

Mr. Wallace, from the committee on Public Lands, to whom was referred the petition of Burwell J. Thompson for the heirs of Patsey Lewis, deceased, reported a bill for the relief of the heirs of Patsey Lewis, deceased; read first time.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred a bill to authorize the Governor to employ some person to perform the duties of Attorney General, whenever the office may be vacant, returned the same to the Senate and recommended its passage.

Mr. Phillips, from the same committee, to whom was referred a joint resolution instructing our Senators and requesting our Representatives in Congress to endeavor to secure the passage of a law requiring the United States District Court for the District of Texas to be held at more places than once, reported the same

back to the Senate, with an amendment, and recommended its passage :

Amendment—In the 1st section, strike out the words "Austin in the county of Travis," and insert "Corpus Christi in the county of Nueces."

Mr. Phillips, from the same committee, to whom was referred a bill supplementary to an act creating fees of office, approved March 20, 1848, reported the same back to the Senate, with the following amendments, and recommended their adoption and the passage of the bill :

Amendments.

Sec. 1st, 4th line, strike out the words "the Spanish language," and insert "a foreign language."

" 5th line, strike out "forty," and insert "twenty-five."

5th line, strike out the words "the Spanish language," and insert "a foreign language."

Mr. Grimes, chairman of the committee on Finance, made the following report :

COMMITTEE ROOM, January 2, 1850.

To the Hon. John A. Greer,

President of the Senate:

The committee on Finance, to whom was referred a joint resolution making an appropriation for the relief and education of Angeline Elizabeth Dickinson, have given to the subject due deliberation, and instructed me to report that, in the opinion of your committee, no great necessity exists for making the appropriation contemplated by the bill.

That she is the daughter of one of the heroes who fell in the cause of Texas Independence is admissible, and as such she, as well as many others, is entitled to the sympathies of the whole people of Texas, many orphans were left in a more forlorn and dependent state than the one this bill is intended to relieve.

If the finances of the State were in a condition to give a pension to all who rendered important service, or to the heirs of those who were killed, then would your committee treat this bill with more favor, but as this is not the situation of our treasury, and as the subject of this relief does not appear to be in a distressed situation, but rather the reverse, being a young lady of some fifteen years of age, entitled to the estate of her father, which consists of more than five thousand acres of land.

With these views, your committee ask leave to return the bill and recommend that no further action be had thereon.

JESSE GRIMES, Chairman.

Mr. Brashear made the following report :

COMMITTEE ROOM, January 2, 1850.

To the Hon. John A. Greer,

President of the Senate:

The joint Select committee, raised under the resolution passed by the Legislature, on whom was conferred the power of examining the Penitentiary and reporting upon the qualities, kinds, quantities, fitness, etc., have performed the duty and ask to make the following report:

1st. Quantities of materials purchased for the erection of the Penitentiary up to the 30th September, 1849; also, quantities received from the 30th September to 17th December, 1849, and the quantities now on hand.

Kinds.	Quantities.		Cost	Quantity on hand.	Quality.	Value.
Bricks,	769,744	pr. m.	\$7 50	\$5,772 17	300,000	
Lime, bbl.	655½	pr. bbl.	2 52	1,665 99	100	
Iron, bar lb.	17,990½	pr. lb.	5 75	1,038 96		
Iron, sheet	1,741	pr. lb.	6 25	108 81	1,741 00	
Nails, lb.	1,000		6 05	60 50	900 00	
Lumber, feet	58,488½	pr. feet	2 88	1,684 48	36 000	
White lead, kegs	19	pr. keg	2 25	41 75	14	
Painter's oil, gal.	40	pr. gal.	80	32 09	10	
Roofing tin, box.	27	pr. box	9 00	243 00	27	
Cut stone, cu. f.	121	pr. feet	50 to 75	65 75	121	
Bricks delivered						
30, Sept. '49.	87,000	pr. m.	7 00	609 00		
Total				\$11,322 41		

The committee find upon examination, the proposals published in the Banner and the bids filed in the superintendent's office, that the bricks were to be of certain dimensions, viz: 2½, 4½ by 9 inches when moulded, and to be hard burnt. It was, however, subsequently determined by the Commissioners to take 35,000 soft bricks for the interior of the walls at \$6 per thousand. This is one third less than the original contract with Mr. Stamps for hard burnt bricks, and fifty cents less than Mr. Gillespie's contract for hard burnt bricks measuring 2½ and 4 by 8 inches; by some oversight or inadvertency in drawing the contract with Mr. Stamps, although the Commissioners presumed they were contracting for bricks at \$7 50 cts. per thousand, yet it was drawn for so many cubic inches, each brick of 2½ and 4½ by 9 inches being presumed to contain seventy-two cubic inches; but by a more correct calculation and measurement, it was found to contain one hundred and one cubic inches. This error in computation increased the contract to nine dollars per thousand, which gave him some \$500 more than he was entitled to, had it been properly understood.

Although the impression has gone abroad that a reckless disregard for the public weal, and that a wasteful extravagance characterized every contract of the Commissioners, the committee is pleased to state with the exception of the above error, the contracts seem to have been made on as reasonable terms as possible, when compared with the bidson file, which range between seven and ten dollars per thousand.

Qualities, Fitness and Worth of Materials.

The bricks are not merchantable, and in the estimation of the committee three-fifths of their cost would be a full valuation.—The lime is good, but the mortar made from it is very defective in adhesive or cementing qualities owing to its admixture with too great a quantity of inferior sand. This is the condition of the hundred barrels on hand. There is better sand in the vicinity, which with a greater proportion of lime would make an excellent cement. The timber used in the building is principally of pine from the surrounding country, and consequently of an inferior quality, where the proper attention is not paid to its selection, which was evidently the case in purchasing it for the Penitentiary. The door frames of the cells are of oak, and seem well adapted to the purpose.

The other materials (Iron, Nails, etc.,) enumerated in the table of kinds are such as are usually offered for sale by the mercantile community, hence, we rate them good and fair.

How far the Penitentiary can be used as a prison for convicts.

In its present condition it is totally unfit for the safe keeping of convicts. There are eighty-six cells and two dungeons in a three story building which is now being surrounded by an outer wall three feet thick, (at present not more than an average height of seven feet,) to be raised as high as the inner three stories, upon which a roof is to be placed covering the entire building. The cells are without floors or locks.

A wooden jail in the yard is the only place on the premises used for the safe keeping of convicts. This facility for the keeping of prisoners will, with the addition of a few more recruits, fall short of the necessary accommodations essential to their comfort and health.

Without constructing some other portion of the plan of the institution, than that which is now being raised it will essentially fail in the purposes for which it was designed, for it offers neither facility for working or the hope of great security, so long as the outer wall is neglected; without this wall around the yard as a

barrier every thing must be done immediately under the eyes of guards, whose services will overbalance the labor of the convicts.

What amount of money will be required to complete the Penitentiary House and walls severally with the materials on hand.

It is estimated with the material on hand that \$1,200 will complete the building now in progress, including masonry and wood-work, and that the additional sum of \$241 87 will be ample to put on the tin roof, total \$1,441 87. The estimate for building, superintendents, store house and hospital, to be included in the same building (five rooms on the lower and five on the upper floor) is as follows :

Cubic Feet of Masonry,	18,242
Number of Brick,	310,080
Cost at \$7 per thousand,	\$2,170 56
Lime,	1,032 00
Mason Work,	620 00
Attendance,	300 00
Sand etc.,	100 00
Lumber, Carpenter's work and Plastering,	2,000 00
Miscellaneous items,	500 00
Officer's rooms over wagon way into the yard,	1,000 00
Total,	\$8,722 56

To complete the above building it will be necessary for the State to purchase 310,080 bricks, 300 barrels of lime and 13 boxes tin, at a cost of \$3,319 56.

If the committee is to understand by the enquiry "what amount of money will be required to complete the Penitentiary House and wall," as laid down in the plan accompanying the report of the Commissioners to the present Legislature, it will materially change the above estimate, the only data upon which the committee can properly base an estimate, is to compare the prospective part of the plan with that already far advanced, which does not embrace more than one sixth of the work and materials that will be required to complete the building. Hence, as the cost of the present building is estimated at \$20,067 93, it is not unreasonable, including unforeseen contingencies, to estimate the cost of the entire plan at \$120,000. If the cost of the present building, superintendent's house and accompanying rooms is only required, it is \$28,790 49. If those buildings and the wall surrounding the area of three hundred feet square \$42,339 99.

The kind and qualities of materials.

It will be necessary for the State to purchase for the completion of the Penitentiary according to the plan submitted to the Legislature, to complete the wall around the area of three hundred feet square, it will require about 1,000,000 bricks; for walls around cells, and that which is to form the front of work shops next the yard 300,000 brick; the two additional rows of cells will also require about 250,000 more, total number required 1,550,000, at \$7 per thousand, \$10,850; 1200 barrels of lime, at \$4 per barrel, including freight, \$4,800; 70,000 feet of lumber \$1,700; 20,000 lbs. iron \$1,200; 60 boxes tin, at \$9 per box \$540.

The sills laid on the building to form the top of the third story of cells indicates evident signs of decay, and, in the opinion of the committee, should be sheltered as soon as practicable. The timber in the yard should be used immediately in the construction of the building, or protected from the weather.

Which is the cheapest covering, metal, wood or slate for the Penitentiary, and the cost of each material.

The Commissioners deeming tin the cheapest covering have purchased twenty-seven boxes, which it is thought will with the thirteen additional boxes ordered, be sufficient to cover the present building and superintendent's house. It is estimated that a tin roof well painted will last fifty years, the cost of tin and roofing is estimated at \$1,500; wood will be quite as expensive, and will not last more than twelve years; slate, including freight, will be very expensive and is thought not to answer so well the purpose as tin. Had the Commissioners adhered to the proposals and contracts for hard burnt brick, without regard to the interest of contractors, the building would have been much more valuable to the State and the escape of convicts rendered much more difficult.

To test the strength of the walls one of the committee with a common pocket knife, the blade of which is about two and a half inches in length, took from a portion of the wall four or five brick in a few minutes, which induced the committee to believe in a very short time with the same instrument a hole sufficiently large for a man to pass through might have been made. This experiment was made on the partition wall of the lower cells, by breaking which the prisoner would not have accomplished much, because surrounded by the lattice of iron interwoven with the brick and mortar in the outer walls which we deem strong.—The outer walls of the second and third stories will not, how-

ever, present the same barriers and consequently could be pierced with the same facility as the partition wall of the lower cells.*

The doors of the cells are composed of a lattice of iron bars riveted at each crossing of the bars, apparently very securely and attached to iron bars, which passes eight or nine inches between the brick walls and facings of the door, to which they are attached by spikes, thence passing at right angles eighteen inches into the walls so as to forbid the idea of wrenching them from their fastenings without considerable difficulty.

The removal of the bricks near the hinges would be attended with much labor owing to the lattice of iron bars. The difficulty in the upper stories, in the absence of the lattice of iron bars would be trifling, when compared with the lower. The committee believe it would be prudent at present only to complete some fifteen or twenty of the cells, as it is presumable a greater number will not be in requisition during the next seven or eight months. At the end of this time the convicts can complete them, as they may be needed, which will not only be a saving of money to the State, but in part carrying out the original intention of the Legislature.

But one cell is complete, which was intended it is presumed as a specimen; in constructing the floor of this, the ground was levelled upon which one layer of brick was placed and sand thrown upon them to fill the intermediate spaces, as is usual in paving streets; this mode of flooring is unsafe as the bricks are too easily removed. It would be much the safer way to put two or three layers of brick, pouring a sufficiency of cement to fill the intermediate spaces of each layer, which will impart a solidity to the floor, as moisture is its element; whereas, mortar of lime requires a dry position to give it the desired firmness. This fact was fully demonstrated to the committee in the removal of bricks under the door way, to ascertain if iron bars had been interwoven with the brick and mortar below the surface of the ground as well as above. Here the mortar had absorbed a sufficiency of water, (although this portion of the wall was laid during last summer) to render it almost as soft as when the bricks were laid in it.

The cement would not only render the flooring as strong as the wall, but possesses the additional advantage of precluding moisture. It will also be advisable to cement the walls of the lower cells, as it will preclude dampness, which will be conducive to the health of the convicts.

Whenever the interest of the institution demands the completion of the cells in the second and third stories, we deem it necessary for the safe keeping of the prisoners, that the inner sides of

the cells should be lined with good heart oak, tongued and grooved so as to preclude any intermeddling with the walls. The committee would suggest the propriety of laying the foundation of the balance of the walls, to extend about two feet above the ground in cement, as it is much better adapted to this purpose than lime. It very readily assumes the firmness of the best brick, as it is so tenacious that the parts cannot be detached without great difficulty. This is not the character of lime, which dries slowly and is subject to be weakened by every exposure to water. The cement costs but little more than lime, while the additional outlay will amply remunerate the State in the additional strength which it will impart to the building.

The Venetian frames in front of the building has a happy effect in dispelling the gloom which our ideas are so apt to associate with this fit receptacle of degenerate man; but while it imparts a pleasing aspect, it affords to the friends of its unfortunate inmates the equal pleasing hope of as speedy escape from its hateful cells. These frames are about six by four feet with a wall three feet thick behind them, with the exception of a space of some two feet square, behind which is a coarse iron grating placed some twelve feet from, and most immediately in front of the doors of the cells. The slats of wood which compose the blinds could be easily and silently removed with a knife, which would open an easy communication for the conveyance of tools through the doors to the prisoners, without extraordinary vigilance on the part of the guards. It is evident that the present building, although it presents to the spectator a specimen of neat workmanship; is too weak upon close inspection to carry with it the idea of great security, unless attended by a strong and vigilant guard.

We are not unapprized of the fact that convicts are almost daily escaping from confinement out of the various prisons of the Union, many of them much stronger than that now being erected at Huntsville, and doubtless guarded as vigilantly as this will be.

The securest building is that which offers the fewest inducements for escape, for the moment a weak point presents itself, not only the ingenuity of the inmates, but that of their associates and friends is taxed to its uttermost, to render it subservient to their ends, and how watchful soever the guards may be, sooner or later their vigilance will be eluded; in proportion to the weakness of the walls, is the necessity of employing additional guards.

A part of the land belonging to the Penitentiary has been stripped of its timber to aid in its construction, which renders it valueless to that institution; it is therefore recommended that the Commissioners be empowered to sell it to the best advantage and buy

with the proceeds such land as may be useful in supplying timber for its future construction.

It is desired that some less expensive mode of conveying prisoners to the Penitentiary should be adopted than that by sheriffs and guards. The conveyance of those convicts now in confinement has been at an average expense of seventy-three dollars; a cheaper and better mode would be for the sheriff of a county having a convict to notify the superintendant of the fact, and he be authorized upon the reception of such notice to dispatch a portion of the guards to escort the prisoner to his destination. The guards will be provided with a ball and chain and other means of confinement to prevent escape. This mode of conveyance has been adopted in the other States and found not only to work well, but a considerable saving to the respective institutions.

The Commissioners entertain the opinion that a law should be passed authorizing the convicts to work at such trades as will be most profitable to the State. It is stated, with this privilege, that when thirty are received the institution will support itself. The committee, however, is strongly impressed with the belief that the labor of convicts should not be brought directly in competition with the honest industry of the country. It has a tendency to diminish prices, which is the sole incentive to industry and degrade the mechanical operations of every portion of the community with which it conflicts. The history of the past clearly demonstrates that trades of every description lingers in obscurity as long as the occupation is considered degrading. It was suggested to the committee while at the Penitentiary, that the State should send arms to it, for its protection if the convicts should become rebellious.

I. W. BRASHEAR,
JOHN SHEA,
WILLIAM E. CRUMP of
Austin County.

"The undersigned does not subscribe to the idea that convicts could as easily escape as is set forth in the foregoing report.

I. W. BRASHEAR.

Mr. Pease made the following report :

COMMITTEE ROOM, January 2, 1850.

To the Honorable JOHN A. GREER,

President of the Senate, and

HON. C. G. KEENAN,

Speaker of the House of Representatives :

The joint select committee, to whom was referred the memorial of Levi Jones, on the subject of a Rail-Road from some point on the Bay of Matagorda to such point on the Rio Grande near El Paso del Norte as may be found most eligible for the construction of a continuous rail-way to the Pacific Ocean, at or near San Diego, have had the same under consideration.

The advantages that would accrue to our State from the construction of such a road, must be apparent to every one. The committee believe the work proposed to be perfectly practicable, and that every inducement should be offered for individual capital and enterprise to undertake and accomplish it. The memorialist solicits no pecuniary aid from the State, and asks from us no exclusive privileges. He simply wishes an act of incorporation, with the usual powers conferred on similar companies ; and the committee can perceive no objection to granting the prayer of the memorialist.

They present herewith an act to establish the La Salle and El Paso Rail-way Company which has been drawn up, in accordance with the wishes of the memorialist, and they recommend it to the favorable consideration of the two Houses of the Legislature.

E. M. PEASE,

Chairman, on the part of the Senate.

H. P. BEE,

Chairman, on the part of the House.

A bill to establish the La Salle and El Paso Rail-way Company ; read first time.

Mr. Cooke, chairman of the committee on Claims and Accounts, made the following report :

COMMITTEE ROOM, January 2, 1850.

To the Hon. John A. Greer,

President of the Senate :

The committee on Claims and Accounts have had under consideration the petition of Fernando De Leon asking for the allowance of an account for property taken for the use of the Texan Government.

The written evidence referred with the petition is herewith returned to the Senate for their consideration. The committee have had before them several persons whose testimony fully sus-

tains the documentary evidence that Gen. Rusk, commanding the Texian troops, in 1836, took possession of De Leon's rancho, together with all the stock; that De Leon surrendered the stock for the use of the army, and that the army subsisted on the cattle for a long time. It, also, appears, that De Leon was sent off to New Orleans, and that by the order of the commanding General the stock that was not used, was driven off east of the Colorado river to prevent it from falling into the hands of the enemy.

The exact amount of stock actually used by the army does not fully appear. The evidence is sufficient to show that the amount used and driven off by the command of Gen. Rusk would probably exceed the amount charged. Your committee are satisfied that no portion of it was ever recovered by De Leon, and that, in justice and equity, the Government ought to respond to the party for the amount they actually took in charge, when they took possession of his rancho, and placed a company there in charge of the property. The claim has been standing some fourteen years, without accumulating interest, and in the meantime the party has been reduced to poverty by the loss of his property. In view of these facts, a majority of your committee have instructed me to report a bill authorizing the Comptroller to audit the claim for stock, that the same may stand as an acknowledged debt against the State, that accrued under the late Republic of Texas. The claim for goods taken from Hannah Elizabeth has not been established by proof sufficiently satisfactory to the minds of your committee to justify them in recommending its approval. Time may disclose more facts, relative to this matter, and the present bill is reported, without prejudice to this claim.

WILDS K. COOKE, Chairman.

A bill requiring the Comptroller to audit the claim of Fernando De Leon for cattle, horses and mules furnished the army of Texas in the years 1835 and 1836; read first time.

Mr. Robertson, chairman of the committee on Private Land Claims, made the following report:

COMMITTEE ROOM, January 2, 1850.

To the Honorable President of the Senate:

The committee on Private Land Claims, to whom was referred a bill for the relief of Washington H. Secrest, have had the same under consideration, and would respectfully report that this claim is one of peculiar merit—the records of the country show that Mr. Secrest was an active and efficient participator in the struggle of the Republic of Texas from the earliest dawn of her revolu-

tion for independence till its final consummation ; and the parole proof adduced before the committee establish the fact: he performed deeds of chivalrous daring on more than one battle-field, during the darkest hours of that struggle, and that he has remained in the country up to the present time and performed all the duties required of him as a citizen ; he, in obedience to law, applied to the board of Land Commissioners, made the required proof and obtained his certificate for his head-right league of land ; and the travelling board of Land Commissioners subsequently appointed by the Congress of the Republic, from some cause, failed to recommend his certificate for patent, in which condition the matter was left until the annexation of Texas. The committee have examined the constitutional question, and believe that the Legislature have the unrestricted right to grant certificates, whenever the petitioner presents a meritorious claim. If there is any case in which the Legislature should grant relief, surely this is such. The services of the petitioner were known to many members of the Senate, and has become a part of the history of the country. The surveyor, in whose hands his certificate was placed, was killed by the Indians ; and the petitioner had no knowledge, nor could he have presumed that the travelling board of Land Commissioners would fail to recommend his certificate. Two of the board and the two who acted upon claims, were captains in the army with him; and Capt. Billingsly served with the petitioner during the greater part of the war.—Considering these facts, a majority of the committee have instructed me to report the bill referred to them back to the Senate and recommend its passage.

J. B. ROBERTSON, Chairman.

Mr. Robertson, from the same committee, to whom were referred a bill for the relief of the heirs of George W. Manie ; a joint resolution for the relief of the heirs of William Mockford ; and a joint resolution for the relief of Benjamin F. Fry, reported the same back to the Senate, without amendments, and recommended their passage.

Mr. Robertson, from the same committee, to whom was referred the petition of Wiley Marshall, reported a bill to authorize and require the Commissioner of the General Land Office to issue a certificate to Wiley Marshall for 320 acres of land ; read first time.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a joint resolution for the relief of John Balch, reported that the resolution involved a constitutional question

upon which the committee were unable to agree, and returned the same to the Senate for their action.

Mr. Van Derlip introduced a bill supplementary to an act defining the duties of District Attorneys; read first time.

Mr. Walker introduced a bill to authorize and require the Commissioner of the General Land Office to issue patents for land on surveys made in Peters' colony; read first time.

Mr. Phillips introduced a bill to authorize Mrs. Julia Stanton to take the guardianship of William Ewing Stanton, and a bill to authorize the withdrawal, from the General Land Office, of deeds issued on paper of the second seal; which were read first time.

Mr. Robertson made the following report:

COMMITTEE ROOM, January 2, 1850.

To the Honorable President of the Senate:

The committee of conference, on the amendment offered by the Senate, and refused by the House, to a joint resolution providing for the mutual surrender of persons therein mentioned by the Governments of the United States and Mexico, have met, and after due examination and free conference, have instructed us to recommend that the House concur in the amendment of the Senate. All of which is respectfully submitted.

J. B. ROBERTSON,

Chairman, on the part of the Senate.

H. P. BEE,

Chairman, on the part of the House.

On motion of Mr. Portis, the report was laid on the table.

ORDERS OF THE DAY.

On motion of Mr. Portis, a joint resolution for the relief of the citizens of Jasper county was taken up and read.

Mr. Portis offered the following amendment: Insert in the 10th line after the word "fifty" the following: "except the 10 per cent. reserved by the constitution for educational purposes which shall be paid into the State Treasury as heretofore"; adopted.

The resolution was then passed by the following vote:

Yeas: Messrs. Burleson, Cooke, Davis, Gage, Kinney, McRae, Moffett, Parker, Phillips, Portis, Taylor, Truit, Van Derlip and Wallace—14.

Nays: Messrs. Grimes, Hart, Latimer and Pease—4.

A bill to quiet the land titles, in certain portions of Texas, of those claiming lands under titles issued to colonists, actual settlers, or resident citizens before the act of the late consultation closing the Land Office in November, 1835, under the coloniza-

tion laws of the Government of Mexico and the State of Coahuila and Texas, as head-rights of families and to single men, when the title issued for one league and labor of land or less; read.

Mr. Wallace offered the following amendment:

1st Sec., strike out all after "for" in the 4th line, and insert "one league and labor of land or less issued to colonists, actual settlers and resident citizens as head-rights to heads of families and single men, in accordance with the provisions of the colonization laws of the Government of Mexico or the State of Coahuila and Texas before the act of the late consultation in November, 1835, closing the Land Office."

On motion of Mr. Robertson, the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate was called to order—quorum present.

The question before the Senate was the adoption of the amendment offered by Mr. Wallace.

Mr. Parker moved to lay the bill and amendment on the table and make it the special order of the day for to-morrow.

On motion of Mr. Pease, a call of the Senate was had; the Senate being full, the call was suspended.

The yeas and nays were called on laying the bill on the table, and stood as follows:

Yeas: Messrs. Brashear, Burleson, Cooke, Hart, Latimer, Moffett, Parker, Van Derlip, Walker and Wallace—10.

Nays: Messrs. Davis, Gage, Grimes, Kinney, McRae, Pease, Phillips, Portis, Robertson, Taylor, Truit and Ward—12; lost.

The question then recurred on Mr. Wallace's amendment; the yeas and nays were as follows:

Yeas: Messrs. Hart, Latimer, Moffett, Robertson, Ward, Walker and Wallace—7.

Nays:—Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Kinney, McRae, Parker, Pease, Phillips, Portis, Taylor, Truit and Van Derlip—15; rejected.

Mr. Pease offered the following amendment: Strike out the words "closing the Land Office" in the 6th line of the first section, and insert in the 5th line of the same section between the word "the" and the word "act", immediately following it, the words "closing the Land Offices by the"; adopted.

Mr. Van Derlip offered to amend by inserting the following as an additional section:

"Sec. 5th. *Be it further enacted*, That nothing in this act contained shall be construed as a legislative expression of opinion

for or against grants of a greater amount than one league and labor of land, and to make 5th section the 6th"; adopted.

Mr. Robertson offered the following amendment, to come in at the end of the 1st section: "saving and excepting all titles fraudulently issued or obtained"; upon which the yeas and nays were called, and stood thus:

Yeas: Messrs. Cooke, Hart, Latimer, Moffett, Parker, Robertson, Ward, Walker and Wallace—9.

Nays: Messrs. Brashear, Burleson, Davis, Gage, Grimes, Kinney, McRae, Pease, Phillips, Portis, Taylor, Truit and Van Derlip—13; rejected.

Mr. Wallace offered the following proviso to the 1st section: "Provided that no title which was illegal or invalid *ab initio* shall be confirmed by this act"; upon which the yeas and nays were called, and were as follows:

Yeas: Messrs. Cooke, Hart, Latimer, Moffett, Parker, Robertson, Ward, Walker and Wallace—9.

Nays: Messrs. Brashear, Burleson, Davis, Gage, Grimes, Kinney, McRae, Pease, Phillips, Portis, Taylor, Truit and Van Derlip—13; rejected.

Mr. Pease moved the previous question; lost.

Mr. Walker offered to amend by adding the following additional section:

Sec. — "That nothing herein contained shall render legal and valid any such claims located out of the limits of the colonies in which the colonist, settler, or citizen resided, when he obtained the grant"; rejected.

Mr. Grimes moved to amend the first section by inserting after "land" in the 4th line, "not exceeding one league and labor to each head of a family and to single men as colonists, actual settlers or resident citizens." Strike out all after "thirty-five" in the 6th line.

Mr. Wallace moved to amend the amendment offered by Mr. Grimes by inserting after "family" "and to single men the quantity of land allowed to them"; rejected.

The question then recurred on the amendment offered by Mr. Grimes, which was adopted.

Mr. Robertson offered the following proviso to come in at the end of the 1st section: "Provided that nothing herein contained shall be so construed as to relinquish the right of the State to more than one head-right survey to the same person"; rejected.

On motion of Mr. Phillips, a call of the Senate was had; the Senate being full, the question was taken upon the engrossment of the bill.

The yeas and nays being called on the engrossment, stood as follows :

Yeas : Messrs. Brashear, Burleson, Davis, Gage, Grimes, Kinney, McRae, Parker, Pease, Phillips, Portis, Taylor, Truit and Van Derlip—14.

Nays : Messrs. Cooke, Hart, Latimer, Moffett, Robertson, Ward, Walker and Wallace—8.

So the bill was ordered to be engrossed.

On motion of Mr. Gage, the motion to reconsider the vote which rejected a bill to amend an act entitled an act to prescribe the time of the biennial meeting of the Legislature of the State of Texas was taken up.

The yeas and nays were called on the reconsideration of the vote and stood as follows :

Yeas : Messrs. Cooke, Gage, Moffett, Parker, Pease, Robertson, Taylor, Truit and Ward—9.

Nays : Messrs. Brashear, Burleson, Davis, Grimes, Hart, Kinney, Latimer, McRae, Phillips, Portis, Van Derlip, Walker and Wallace—13.

The Senate refused to reconsider the vote.

A message was received from the House of Representatives, through their Chief Clerk, informing the Senate that the House had adopted a resolution referring to a Select committee of five, consisting of Messrs. Sterne, Bryan, Wilson, Williams and Stapp, that portion of the Governor's message which refers to quieting the land titles of the State, and request that the Senate appoint a like committee to act with the committee of the House.

Also, that the House had passed a joint resolution authorizing the Governor to employ counsel to represent the State, during the present session of the Supreme Court in which they suspended all rules.

On motion of Mr. Parker, the Senate adjourned.

THURSDAY, 9 o'clock, A. M., January 3, 1850.

The Senate was called to order by the President. Senators present :—Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Pease, Phillips, Portis, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace.

Prayer by the Chaplain. The journals of yesterday were read and adopted.